

Boatke, AUSA

United States District Court

ORIGINAL

NORTHERN

DISTRICT OF

NEW YORK

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

the premises located at

197 Utica Road, Apt. A, Kirkland, NY, more particularly described as a two story wood frame structure, with gray vinyl siding, blue shutters and white trim. The number "197" is clearly affixed to the mailbox, and the number "197 A" is clearly affixed to the front left door, both are visible from the road. Entry to the apartment 197 A is made by entering the front left door.

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER:

08-mj-468
(DEP)

I Anthony R. Fitzgerald being duly sworn depose and say:

I am a(n) Special Agent and have reason to believe that
Official Title

☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

197 Utica Road, Apt. A, Kirkland, NY, more particularly described as a two story wood frame structure, with gray vinyl siding, blue shutters and white trim. The number "197" is clearly affixed to the mailbox, and the number "197 A" is clearly affixed to the front left door, both are visible from the road. Entry to the apartment 197 A is made by entering the front left door.

in the Northern District of New York

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attached Schedule

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

evidence, fruits, and instrumentalities

concerning a violation of Title 21, United States Code, Section(s) 846

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Anthony R. Fitzgerald
Signature of Affiant

Sworn to before me, and subscribed in my presence

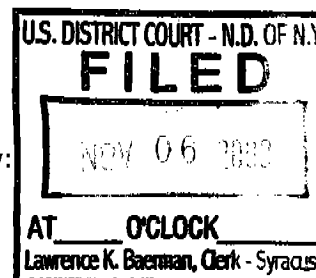
October 28, 2008
Date

at

Syracuse, NY
City and State

Hon. David E. Peebles
United States Magistrate Judge
Name and Title of Judicial Officer

David E. Peebles
Signature of Judicial Officer



SEARCH WARRANT ATTACHMENT

This search warrant authorizes searches for the following items, which would be evidence of narcotics distribution and related conduct, in the above described residence, to include, any other structures, outbuildings and vehicles located thereon:

a. Cocaine (in any form) and any other controlled substances;

b. Paraphernalia used and commonly associated with the possession and distribution of controlled substances such as cocaine; including, but not limited to: scales, packaging materials including plastic baggies, plastic or glass vials, heat sealing machines, pipes, coffee grinders, cocaine presses, sifting screens and/or strainers; any materials used for "cutting" or diluting controlled substances like cocaine, such as baking soda, inositol and mannitol;

c. Any books, records, receipts, notes, ledgers, journals, and other papers relating to the purchase and distribution of controlled substances, including cocaine;

d. Addresses and/or telephone books, PDA's (i.e. Palm Pilots), caller ID boxes attached to telephones and papers reflecting names, addresses, and/or telephone numbers; and telephone records reflecting local and long distance calls;

e. Bank statements and records, safe deposit keys, receipts, and other books and records, including any related to the purchase of real property and personal property (including automobiles), safes, lock boxes, safe deposit boxes and, in general, any records or documents evidencing the obtaining, transfer, concealment, or expenditure of money or other assets, and/or demonstrating the laundering or use of monies generated by the sale of narcotics;

f. Any significant sums of United States currency, stocks, bonds, certificates of deposit, any other financial instruments, and safes, or other security type boxes or containers;

g. Photographs of people, assets, or controlled substances;

h. Personal effects tending to establish proprietary interest, including but not limited to, personal identification, driver's licenses, vehicle registration certificates, passports, birth certificates and deeds;

i. Records of interstate travel in furtherance of the unlawful distribution of drugs and the use of the facilities of interstate commerce in furtherance of the unlawful distribution of drugs;

j. Communication devices to include digital pagers, cellular telephones (including any stored electronic contents such as voice mail messages, addresses and telephone numbers and alpha/numeric messages), telephones, scanners and the like; and,

k. Computers, laptops, hard drives, computer disks, compact

disks or other medium utilized to store data or information.

1. Other property constituting evidence of the possession, distribution, or use of controlled substances, or any property, records, or documents constituting evidence of the association and relationship of individuals in connection with drug-related activities.